



# REQUEST FOR QUALIFICATIONS

## FARM Bridge Program Design-Build Project Northwest & Northeast Districts

Project Numbers: J1S0596 & J2S3318  
RFQ Issued: November 16, 2020  
SOQs Due: December 14, 2020

Missouri Department of Transportation  
Northeast & Northwest Districts  
1711 South Highway 61  
Hannibal, MO 63401



Email: [FARM@modot.mo.gov](mailto:FARM@modot.mo.gov)

<b>Addenda</b>	<b>Date</b>	
1		Revisions:
2		Revisions:
3		Revisions:
		Revisions:

**Farm Bridge Program**  
**Missouri Department of Transportation**  
**Request for Qualifications**  
**Job No. J1S0596 & J2S3318**  
**November 16, 2020**

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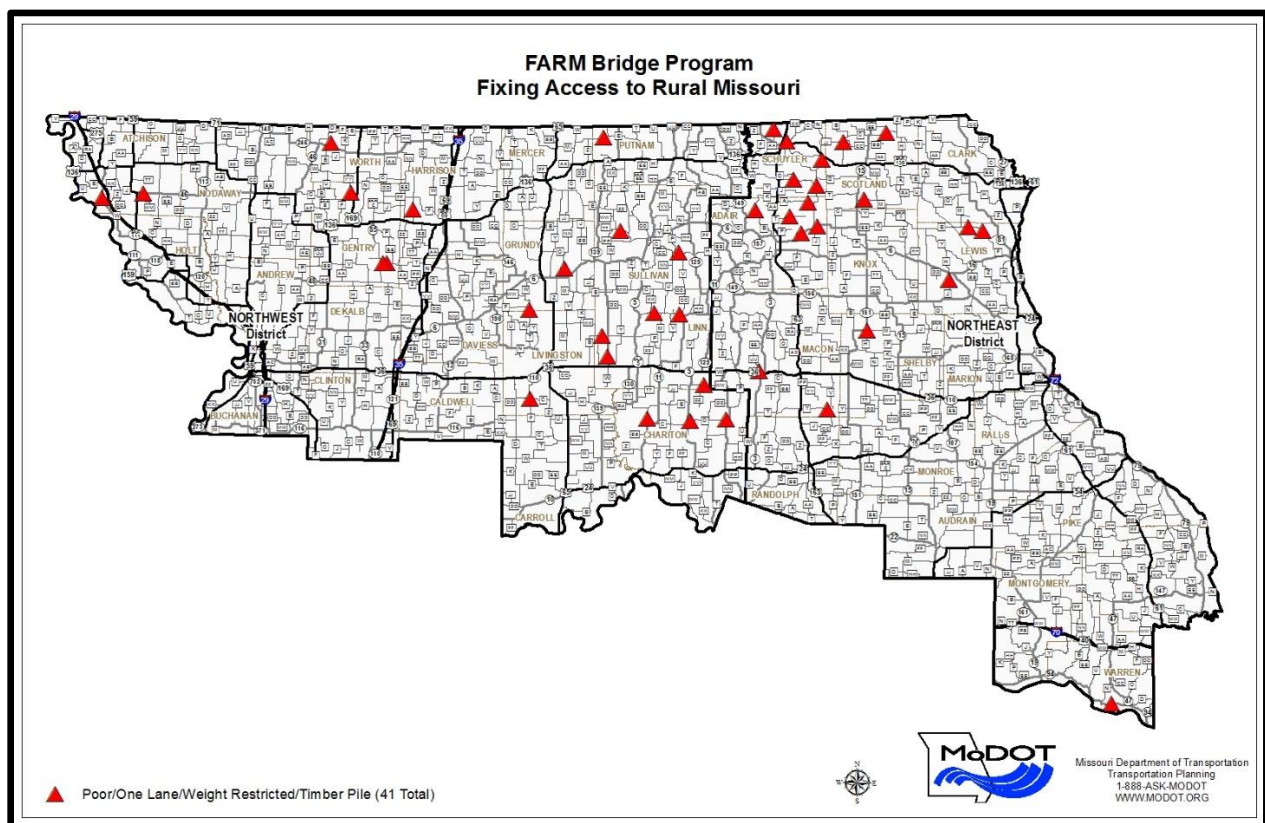
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**FORMS**

- Form DB-101: Major Participant Information
- Form DB-102: Reference Project Summary
- Form DB-103: Resume Summary
- Form DB-104: Receipt of Addenda
- Form DB-105: Conflict of Interest
- Form DB-110: Commitment of Key Personnel
- Form DB-802: Debarment, Suspension, Ineligibility, and Voluntary Exclusion

# 1 INTRODUCTION

The Missouri Department of Transportation (MoDOT) is soliciting Statements of Qualifications (SOQ) from entities (Submitters) interested in providing design-build services for the Fixing Access to Rural Missouri (FARM) Bridge Program. The FARM Bridge Program includes up to 41 bridges in poor condition, weight restricted, supported by timber pile and are one lane but carry two-way traffic. A minimum of 30 of these bridges must be replaced.



Please see the FARM Bridge Program website to view an interactive map of the bridge locations <https://www.modot.org/farm-bridge-program>.

## 1.1 Project Description

The purpose of this project is to replace a minimum of thirty (30) bridges of the forty-one (41) bridges in the FARM Bridge Program while providing safe travel and minimizing delay to our customers during construction. A successful Proposer will demonstrate their ability to balance a quantitative approach that maximizes the number of addressed locations with a qualitative approach that provides quality long lasting structures.

District	County	Bridge #	Route	Feature Intersected	Length	ADT
NE	ADAIR	P0092	B	HAZEL CR	180	90
NE	ADAIR	P0421	T	N FK SALT RVR	102	248
NE	ADAIR	S0569	MO 11	FLOYD CR	94	709
NE	ADAIR	S0807	MO 11	S FK S FABIUS RVR	94	1075
NE	ADAIR	T0885	A	N FK S FABIUS RVR	175	358
NE	LEWIS	P0207	E	SUGAR CR	82	203
NE	LEWIS	P0251	E	DERRAHS BR	92	203
NE	LEWIS	X0769	J	BIG GRASSY CR	102	194
NE	MACON	P0315	Y	HOOVER CR	112	367
NE	MACON	W0401	UU	BNSF RR	198	112
NE	SCHUYLER	P0233	C	N FK MID FABIUS RV	88	257
NE	SCHUYLER	P0398	M	S FK N FABIUS RVR	103	50
NE	SCHUYLER	S0911	A	BRUSHY CR	133	294
NE	SCHUYLER	T0891	E	N FK S FABIUS RVR	100	119
NE	SCHUYLER	X0097	A	N FK MID FABIUS RV	102	412
NE	SCOTLAND	S0414	W	TOBIN CR	149	131
NE	SCOTLAND	X0174	H	N FK N WYACONDA RV	106	302
NE	SCOTLAND	X0201	B	N FK N FABIUS RVR	158	302
NE	SHELBY	T0391	M	BLACK CR	133	268
NE	WARREN	X0212	MO 94	TRELOAR CR	109	1199

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District	County	Bridge #	Route	Feature Intersected	Length	ADT
NW	ATCHISON	T0103	MO 46	LIT TARKIO CR	143	573
NW	ATCHISON	X0170	MO 111	PIKE CR DRAIN DTCH	65	202
NW	CHARITON	P0496	CC	YELLOW CR	169	254
NW	CHARITON	T0458	D	CLARK BR	143	201
NW	CHARITON	T0463	D	E FK BEE BR	89	158
NW	GENTRY	H0551	YY	BEAR CR	192	218
NW	GENTRY	S0385	T	BRUSHY CR	82	36
NW	GENTRY	S0386	T	FITZGERALD BR	47	36
NW	GRUNDY	P0203	W	GEES CR	108	223
NW	GRUNDY	S0586	N	NO CR	89	170
NW	HARRISON	S0277	D	AMES CR	65	64
NW	LINN	P0521	B	SMOKEY BR	77	99
NW	LINN	S0031	C	LONG BR	172	372
NW	LINN	S0489	C	W YELLOW CR	109	132
NW	LINN	S0747	MO 139	LEWIS CR	89	265
NW	LINN	T0807	WW	VAN DORSEN CR	79	216
NW	LIVINGSTON	T0379	C	SHOAL CR	174	273
NW	PUTNAM	P0374	M	MEDICINE CR FK	124	56
NW	SULLIVAN	P0218	C	YELLOW CR	112	288
NW	SULLIVAN	T0482	E	W LOCUST CR	104	402
NW	WORTH	S0050	A	BRANCH	28	52

The successful Proposer will be responsible for management, design, construction, quality assurance, and quality control of the FARM Bridge Program. It is not anticipated that co-location of the Proposer and MoDOT Design-Build staff will be required for this project. However, MoDOT will consider a Contractor defined co-location arrangement.

## 1.2 Project Goals

The following prioritized goals have been established for the project:

1. Safely deliver the project within the program budget of \$25.99 million on or before October 31, 2023
2. Use innovation to maximize the number of locations to be addressed
3. Provide quality long-lasting structures
4. Minimize public inconvenience through increased construction speed and flexibility in scheduling

## 1.3 Estimated Cost and Maximum Time Allowed

The total program budget is approximately \$25.99 million, including the design-build contract, MoDOT contract administration costs, Right of Way acquisitions, utility reimbursements, stipend payments, and other miscellaneous project management expenses. The estimated fixed cost design-build contract budget is anticipated to be \$21.5 million. The Project must be completed by October 31, 2023.

## 2 REQUEST FOR QUALIFICATIONS (RFQ) PROCESS

### 2.1 Two-Phased Design-Build Procurement Process

MoDOT will use a two-phase procurement process to select a design-build contractor to deliver the Project. This Request for Qualifications (RFQ) is issued as part of the first phase to solicit information, in the form of SOQs, that MoDOT will evaluate to determine which Submitters are the most highly qualified to successfully deliver the Project. MoDOT will shortlist at least two (if any) but not more than five most highly qualified Submitters.

In the second phase, MoDOT will issue a Request for Proposals (RFP) for the Project to the shortlisted Submitters. Only the shortlisted Submitters will be eligible to submit proposals for the Project. Each shortlisted Submitter that submits a proposal in response to the RFP is referred to herein as a Proposer. MoDOT will award a design-build contract (if any) for the Project to the Proposer offering the best value, to be determined as described in the RFP.

### 2.2 Submitter Information

If an entity intends to submit a proposal as part of a team, the entire team is required to submit a single SOQ as a single Submitter. MoDOT may disqualify a Submitter if any of its Major Participants (as defined in Section 6.1) belong to more than one Submitter organization. MoDOT may disqualify a Submitter that violates the DBE exclusivity referred to in Section 6.9.

## 2.3 Procurement Schedule

Item	Date
Issue RFQ	November 16, 2020
Deadline for submitting RFQ questions	December 4, 2020 (2:00 p.m. CST)
Final responses to questions posted & Final RFQ Addendum issued	December 9, 2020
SOQ due	December 14, 2020 (1:00 p.m. CST)
MoDOT notifies shortlisted Submitters	December 23, 2020
Issue RFP	January 12, 2021
Final Proposal and Price Allocation due	April 6, 2021
Selection of Apparent Best Value	May 5, 2021

## 3 SOQ CONTENTS AND EVALUATION CRITERIA

This section describes specific information that must be included in the SOQ and also addresses the evaluation process that MoDOT shall utilize.

### 3.1 Organization of SOQ

The SOQ shall be organized as follows:

- Cover Letter
- Title Page
- Table of Contents
- Part 1 – Administrative Elements (Pass/Fail)
- Part 2 – Submitter Experience (100 Points)
- Part 3 – Key Personnel and Organization (100 Points)

### 3.2 Cover Letter

A one-page cover letter shall be included in the SOQ. The cover letter shall identify the lead organization and primary members of the team. Primary members include the design team and contractor. Name the entity with whom MoDOT will be contracting and identify if this will be a partnership, corporation, joint venture, etc. If a joint venture, name the person who has authority to sign the contract on behalf of the joint venture. Provide contact name, mailing address, phone number and e-mail address for contacting entity.

### 3.3 Part 1 – Administrative Elements (Pass/Fail)

*Submittal Requirements:*

- Form DB-104: Receipt of Addenda
- Form DB-105: Conflict of Interest (including a letter describing such conflicts if they exist)
- Form DB-802: Debarment, Suspension, Ineligibility, and Voluntary Exclusion



*Evaluation Criteria:*

The information on the completed forms submitted in Part 1 will be evaluated on a pass/fail basis.

### 3.4 Part 2 – Submitter Experience (100 Points)

*Submittal Requirements:*

- An executive summary not to exceed three (3) pages covering the Submitter's demonstrated recent experience and relevance to the Project in the following areas:
  - **Design:** The Submitter shall provide specific examples of their relevant experience with design of bridge replacements, geotechnical experience, hydraulic analysis, and their ability to generate innovative ideas, be on or ahead of schedule, and resolve challenges. Design experience shall demonstrate the Submitter's ability to provide quality bridges that enhance safety for the traveling public. The Submitter shall also demonstrate their capacity to design the required number of bridges to be constructed by the project completion date.
  - **Construction:** The Submitter shall provide specific examples of their recent and relevant experience with bridge replacements, managing multiple projects, and maintenance of traffic. The Submitter shall provide examples of their recent and relevant experience constructing multiple bridges concurrently over a large geographical area. The Submitter shall also provide specific examples of their recent and relevant experience generating and implementing innovative ideas, delivering improvements on or ahead of schedule, and resolving challenges during construction. Construction experience shall demonstrate the Submitter's capacity to construct the required number of bridges by the project completion date.
  - **Approach to Ensuring Safety:** The summary shall include the Submitter's safety record, and examples of successfully implemented Safety Management Programs or innovations.
  - **Quality Management Program:** Identify specific examples of your quality programs for previous projects that demonstrate your ability to develop, implement, and maintain a Quality Management Program throughout all phases of the project. Provide recent and relevant examples of the successful implementation of a QC/QA program that includes management of both QC and QA aspects of inspection and testing on projects. Provide a summary of how effective the program(s) was and the end result.
  - **Federal and Local Agencies and Utility Interaction:** Describe previous efforts to mitigate impacts to and work successfully with the applicable Federal Agencies, Local Agencies and Utility Companies.

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- **DBE Utilization:** Describe how the Submitter has been successful in meeting DBE participation goals on previous projects. This information should be split between professional services and construction activities. The Submitter shall also describe their intentions to utilize DBEs to meet or exceed the DBE participation goals of 6% construction activities and 12% professional services.
- **Workforce Diversity:** Describe how the Submitter intends to effectively maintain a diverse workforce by meeting or exceeding the construction workforce goals in the following table:

County	Minorities	Females
Lewis	3.1%	6.9%
Adair	4.0%	6.9%
Macon	4.0%	6.9%
Schuyler	4.0%	6.9%
Scotland	4.0%	6.9%
Shelby	4.0%	6.9%
Chariton	4.0%	6.9%
Linn	4.0%	6.9%
Putnam	4.0%	6.9%
Sullivan	4.0%	6.9%
Atchison	10.0%	6.9%
Gentry	10.0%	6.9%
Grundy	10.0%	6.9%
Harrison	10.0%	6.9%
Livingston	10.0%	6.9%
Worth	10.0%	6.9%
Warren	11.4%	6.9%

- Please demonstrate how the Submitter will effectively maintain a diverse workforce of professional services and provide examples of past performance.
- **Form DB-101:** Major Participant Information. One form is to be completed for each Major Participant, as described in Section 6.1.
- **Form DB-102:** Reference Project Summary. One summary is to be completed for each reference project described in the Submitter experience

executive summary. Each summary is limited to a maximum of two (2) pages. A maximum of six (6) reference projects can be described for each Submitter. At least four (4) of the submitted reference projects shall have been completed by the construction contractor. For ease of comparison, this form is not to be modified.

*Evaluation Criteria:*

Part 2 will be evaluated based on Submitter's demonstrated performance on recent and relevant projects and the quality and completeness of the submittal requirements for this section. Specifically, MoDOT will evaluate the Submitter's experience based on:

- Recent design and construction experience on similar projects.
- Use of innovative approaches to deliver project(s) within budget and on schedule, such as value engineering change proposals, construction efficiencies, alternative technical concepts, etc.
- Implementation of traffic handling plans to minimize and mitigate construction impacts to customers.
- Past performance developing and implementing a safe project.
- Recent company safety performance on similar equally complex projects.
- Recent experience delivering projects over a large geographical area.
- Experience with foundation design in various soil conditions.
- Ability to synergize design and construction efforts to resolve unexpected challenges encountered during similar projects and the resolution.
- Past performance developing and implementing a Quality Control and Quality Assurance program for the Project. Understanding of the Quality Management Program and how it will be implemented in numerous locations.
- Past performance with timeliness and accuracy of quality documentation.
- Experience with minimizing impacts on environmentally sensitive areas.
- The effectiveness of the DBE utilization strategies to maintain a diverse workforce for both construction and non-construction activities.
- Implementation of effective efforts to mitigate the impacts of land disturbance and to successfully manage a Stormwater Pollution Prevention Plan (SWPP) on past projects and minimize disruption to streams.
- Experience working with regulatory agencies such as, U.S. Army Corps of Engineers, Missouri Department of Conservation, Missouri Department of Natural Resources, Levee or Drainage Districts, and Federal Aviation Administration.
- Experience in coordinating with utility companies.

### **3.5 Part 3 – Key Personnel and Organization (100 Points)**

Each Submitter shall identify the experience, responsibilities and past achievements of the Key Personnel listed below.

Submitters should define the following positions as Key Personnel:

- **Project Manager** – The Project Manager is responsible for all aspects of the Project including, but not limited to, safety, overall design, construction, quality management, contract administration, DBE and workforce diversity, and environmental compliance. The Project Manager should have at least ten (10) years of recent and relevant experience managing the design and/or construction of multiple highway bridges including replacements or long-term rehabilitations. The Project Manager shall have full authority to make final decisions on behalf of the Proposer and have responsibility for communicating these decisions directly to MoDOT’s Project Director. The Project Manager must be assigned to the Project full time for the duration of the Project.
- **Quality Manager** – The Quality Manager’s responsibilities include, but are not limited to, creation and execution of the Submitter’s quality program, quality personnel, assurance activities independent of production, enforcement of quality procedures, and documentation of quality records. Such records include documentation for design, construction quality and testing, environmental compliance, erosion control, and DBE/workforce diversity compliance. The Quality manager should have at least five (5) years of recent experience developing, implementing, and overseeing quality programs in civil construction work as well as document storage. The Quality Manager shall report directly to the Submitter’s executive management team. The Quality Manager shall not be the Project Manager. The Quality Manager may assign a designee to be a Design Quality Manager during the design phase. The Quality Manager shall be assigned to the Project full time. The Quality Manager or an authorized designee shall be required to be on site for all construction activities.
- **Design Manager** – The Design Manager is responsible for ensuring all aspects of the design of the Project are met. The Design Manager should have at least seven (7) years of in-depth and recent experience managing the design of highways and bridges, specifically bridge replacements, geotechnical experience, long term bridge rehabilitations, and shall be a registered professional engineer in the State of Missouri. The Design Manager shall be assigned to the Project full time when design activities are being performed. During construction, the Design Manager shall be readily available for on-site consultation.
- **Construction Manager** – The Construction Manager shall be responsible for managing the construction of the Project, including the maintenance of traffic. The Construction Manager should have at least seven (7) years of recent management experience in highway and bridge construction. The Construction Manager or an authorized designee shall be on site for the duration of the construction phase.

Key Personnel identified in the SOQ, including any “Additional Key Personnel” may not be removed, replaced, or added without written approval of the MoDOT Project Director.

*Submittal Requirements:*

- An organizational chart (not to exceed one (1) page) and executive summary (not to exceed three (3) pages) of Key Personnel and up to four additional personnel, describing the Key Personnel's qualifications and recent relevant experience related to the Project. This summary should include any experience the Key Personnel has with the design and construction of highway projects, cost-saving innovations, and delivering projects on or ahead of schedule.
- Form DB-103: Resume Summary
- Resumes for the Key Personnel and up to four additional personnel are to be included. Each resume is limited to one (1) page and shall include two (2) owner references by providing a contact name and phone number. MoDOT reserves the right to contact references identified in the resumes.
- Form DB-110: Key Personnel Commitment

*Evaluation Criteria:*

Part 3 will be evaluated based on Submitter's ability to meet or exceed the Project goals and the quality and completeness of their Submittal. MoDOT will evaluate the Submitter's experience based on:

- Relevance of tasks performed by Key Personnel on resumes for reference projects.
- Experience using innovative approaches to deliver a project within budget.
- Experience and approaches to delivering projects on schedule or ahead of schedule.
- Experience managing multiple projects being constructed concurrently.
- Experience and approaches for quality management plan development, implementation, control of documents, verification of conformance and non-conformance, and non-conformance identification and resolution.
- Relevant design and construction experience.
- Design and implementation of traffic handling plans sensitive to location and traffic.
- Experience and approach for maximizing and ensuring safety on a project.
- Design and implementation of effective storm water pollution prevention (SWPP) for streams or other sensitive areas on a project.
- Experience and approach for achieving DBE and workforce diversity goals.
- Experience and approaches to handling utility coordination.

## **4 SUBMITTAL REQUIREMENTS**

### **4.1 Format**

The SOQ must be formatted for 8.5" x 11" paper. Charts and other graphical information may be formatted for 11" x 17" paper. Use of 11" x 17" format shall be limited to a maximum of two (2) pages. Minimum font size is 11 point. However, 10-point text may be used within graphs or tables.

## 4.2 Due Date and Quantities

SOQ must be submitted by 1:00 pm, Central Standard Time, on the date shown in Section 2.3. MoDOT accepts no responsibility for misdirected or lost Submittals. One (1) electronic copy in PDF format of the RFQ response is to be submitted by email to [farm@modot.mo.gov](mailto:farm@modot.mo.gov) as shown in Section 6.3 and detailed below. Hard copies will not be accepted.

**Submitter’s SOQ Email:**

- Submitters shall email one (1) electronic copy of their respective SOQ, in Portable Document Format (PDF), to [farm@modot.mo.gov](mailto:farm@modot.mo.gov).

**SOQ Coordinator’s Response Email:**

- The SOQ Coordinator will provide the Submitter a SOQ receipt after receiving the Submitter’s SOQ Email.

## 4.3 Page Limits

The maximum number of pages is shown in the following table:

<b>Cover Letter</b>	1
<b>Title Page</b>	1
<b>Table of Contents</b>	1
<b>Part 1 – Administrative Elements</b>	
Form DB-104: Receipt of Addenda	1
Form DB-105: Conflict of Interest	As needed
Form DB-802: Debarment, Suspension, Ineligibility, and Voluntary Exclusion	As needed
<b>Part 2 – Submitter Experience</b>	
Executive Summary	3
Form DB-101: Major Participant Information	As needed
Form DB-102: Reference Project Summary	12
<b>Part 3 – Key Personnel Experience</b>	
Organizational Chart	1
Executive Summary	3
Form DB-103: Resume Summary	1
Form DB-110: Commitment of Key Personnel	16
Resumes	8

Dividers between sections of the SOQ are not counted.

## 5 EVALUATION PROCESS

All responses shall be evaluated according to 7 CSR 10-24.030.

Part 1 will be evaluated on a pass/fail basis. Part 1 shall be evaluated first. If a SOQ fails Part 1, the remainder of the SOQ will not be evaluated.

Part 2 will be evaluated based on a possible 100 points.

Part 3 will be evaluated based on a possible 100 points.

MoDOT is restricted to short-listing no more than five (5) teams. The scoring outlined is intentionally crafted to differentiate between many highly qualified teams. MoDOT will use the rating below to determine the most highly qualified teams and/or demonstrated significant separation between the most highly qualified and those meeting qualifications. The ratings to be used during the shortlisting process are as follows:

<b>Rating</b>	<b>Description</b>
Exceptional +/- (100-85%)	The Submitter has demonstrated an approach that is considered to significantly exceed stated requirements/objectives and provides a consistently outstanding level of quality. There is very little or no risk that the Submitter would fail to meet the requirements of the RFP. There are essentially no weaknesses.
Good +/- (84-60%)	The Submitter has demonstrated an approach that is considered to exceed stated requirements/objectives and offers a generally better than acceptable quality. There is little risk that the Submitter would fail to meet the requirements of the RFP. Weaknesses, if any, are minor.
Acceptable +/- (59-20%)	The Submitter has demonstrated an approach that is considered to meet the stated requirements/objectives and has an acceptable level of quality. The Submitter demonstrates a reasonable probability of meeting the requirements of the RFP. Weaknesses are minor.
Unacceptable (19-0%)	The Submitter has demonstrated an approach that is considered to fail to meet the stated requirements/objectives and/or provides unacceptable quality and/or demonstrates no reasonable likelihood of meeting the requirements of the RFP and/or contains weaknesses that are so major and/or extensive that a major revision to the SOQ would be necessary.

## **6 GENERAL INFORMATION**

### **6.1 Major Participant Definition**

The term Major Participant is defined as any of the following entities:

- All general partners or joint venture members of the Submitter; all individuals, persons, partnerships, limited liability partnerships, corporations, limited liability companies, business associations, or other legal entities, however organized, directly or indirectly holding an equity interest in the Submitter.
- The lead engineering/design firm(s).
- Each subcontractor that will perform work valued at 20% or more of the construction work.
- Each sub-consultant that will perform 20% or more of the professional services.

Major Participants identified in the SOQ may not be removed, replaced, or added without written approval of the MoDOT Project Director. Written requests must document the proposed change and demonstrate that the change will be equal to or better than the Major Participant submitted in the SOQ.

## **6.2 Stipend**

No stipends will be paid for submitting the SOQ. MoDOT will pay a stipend to the responsible Proposer(s) that provide a fully responsive, but unsuccessful, Proposal. The anticipated stipend is \$130,000 and shall be provided to such Proposer(s) as early as fifteen (15) days after MoDOT determines the apparent successful Proposer. Unsuccessful Proposers shall sign a Proposal release statement, releasing their Proposals to receive their stipend within thirty (30) days. If the Proposal Release Statement is not signed within thirty (30) days, the Stipend shall be forfeited.

If the successful Proposer and MoDOT cannot successfully negotiate a contract and MoDOT negotiates an agreement with one of the unsuccessful Proposers, that Proposer's stipend shall be returned to MoDOT.

## **6.3 Communications**

MoDOT's Project Director, Jeff Gander, is MoDOT's sole contact person for receiving all communications regarding the project and procurement thereof. Each Submitter is also solely responsible for providing a single contact person. Email is the preferred method of communication for the Project.

Jeff Gander, P.E.  
FARM Bridge Program Project Director  
Missouri Department of Transportation  
1711 South Highway 61  
Hannibal, MO 63401  
[FARM@modot.mo.gov](mailto:FARM@modot.mo.gov)

During the Project procurement process, commencing with issuance of this RFQ and continuing until award of a contract for the Project (or cancellation of the procurement), no employee, member, or agent of any Submitter shall have ex-parte communications regarding this procurement with any member of MoDOT or the Federal Highway Administration, their advisors, or any of their contractors or consultants involved with the procurement, except for communications expressly permitted by this RFQ. Any Submitter engaging in such prohibited communications may be disqualified at the sole discretion of MoDOT's Project Director. However, communication is allowed with local entities, utility companies, railroads, regulatory agencies and the general public.

## **6.4 Questions and Clarifications; Addenda**

Questions and requests for clarification regarding this RFQ must be submitted to MoDOT's Project Director. To be considered, all questions and requests must be received by 2:00 pm, CST on the date indicated in Section 2.3. Questions, requests



for clarifications, and responses will be posted on the project web site. Submitter's names will not be identified.

MoDOT reserves the right to revise this RFQ at any time before the final RFQ Addendum date listed in Section 2.3. A link to any addenda will be posted on the Project web site: <https://www.modot.org/farm-bridge-program>

## **6.5 Ineligible Firms**

Crawford, Murphy & Tilly Engineers and Consultants (CMT) are acting as the owner's engineer and therefore are ineligible. Archeological Research Center of St. Louis, Inc. is a subconsultant under CMT and will be ineligible. A firm is ineligible to submit a proposal, in either a prime or subconsultants' roll, if it assists in the development of the scope of work, the RFQ, or the RFP.

## **6.6 Confidentiality**

Documents submitted pursuant to this RFQ will be subject to the Missouri Public Records Act, (§§ 610.010, et.seq., RSMo). Information clearly marked as confidential and proprietary will be kept confidential by MoDOT, unless otherwise provided by law. MoDOT will notify the Submitter if a request is made for such information, and the denial is challenged, so that the Submitter may take any action it deems necessary to defend the challenge. The Submitter shall be the entity responsible for defending against the Missouri Public Records Act disclosures for any records claimed by the Submitter to be confidential and proprietary.

## **6.7 Organizational Conflicts of Interest**

Pursuant to 23 CFR 636.116, consultants and sub-consultants who assist MoDOT in the preparation of an RFP document are not allowed to participate on a Submitter's team. Submitter must provide to MoDOT, via DB-105 form as defined in Section 3.3, information regarding all potential organizational conflicts of interest in its proposal, including all relevant facts concerning any past, present or currently planned interests which may present an organizational conflict of interest, as required by 23 CFR 636.116. MoDOT's Project Director will determine whether an organizational conflict of interest exists, and the actions necessary to avoid, neutralize, or mitigate such conflict, and will respond in writing.

MoDOT may disqualify a Submitter if any of its Major Participants (as defined in Section 6.1) belong to more than one Submitter organization.

## **6.8 Equal Employment Opportunity**

The Submitter will be required to follow Federal Equal Employment Opportunity (EEO) policies.

MoDOT will ensure that in any contract entered into pursuant to this advertisement, businesses owned and controlled by socially and economically disadvantaged individuals will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, religion, creed, sex, age, sexual orientation, ancestry, or national origin in consideration for award.

The Commission has set the workforce goals as shown in the following table:

County	Minorities	Females
Lewis	3.1%	6.9%
Adair	4.0%	6.9%
Macon	4.0%	6.9%
Schuyler	4.0%	6.9%
Scotland	4.0%	6.9%
Shelby	4.0%	6.9%
Chariton	4.0%	6.9%
Linn	4.0%	6.9%
Putnam	4.0%	6.9%
Sullivan	4.0%	6.9%
Atchison	10.0%	6.9%
Gentry	10.0%	6.9%
Grundy	10.0%	6.9%
Harrison	10.0%	6.9%
Livingston	10.0%	6.9%
Worth	10.0%	6.9%
Warren	11.4%	6.9%

A goal of one (1) OJT position has been assigned for professional services, and a goal of two (2) OJT positions for construction activities.

## 6.9 Disadvantaged Business Enterprises

The anticipated Disadvantaged Business Enterprise (DBE) goals for the project are:

6% construction activities

12% professional services

In an effort to ensure a healthy contracting environment for DBE contractors and consultants, a DBE can only be exclusive with one Submitter if they meet the requirements of a Major Participant as defined in Section 6.1, or with written permission from MoDOT's Project Director.

It is the policy of MoDOT that DBEs, as defined in 49 CFR Part 26, and other small businesses shall have the opportunity to compete fairly in contracts financed in whole or in part with public funds. Consistent with this policy, MoDOT will not allow any person or business to be excluded from participation in, denied the benefits of,

or otherwise be discriminated against in connection with the award and performance of any U.S. Department of Transportation assisted contract because of sex, race, religion, or national origin.

MoDOT has implemented the Unified Certification Program and has formed the Missouri Regional Certification Committee (MRCC). DBE firms will need to be certified with MRCC. The MRCC DBE Directory is at the following web site:

[http://www.modot.mo.gov/business/contractor\\_resources/External\\_Civil\\_Rights/mrcc.htm](http://www.modot.mo.gov/business/contractor_resources/External_Civil_Rights/mrcc.htm)

## **7 PROTEST PROCEDURES**

A Submitter may protest the results of the above-described evaluation and qualification process by filing a written notice of protest by hand delivery or courier to the Director of MoDOT, with a copy to the MoDOT Project Director, and other Submitter(s). The notice of protest shall specifically state the grounds of the protest.

Notice of protest of any decision to accept or disqualify a SOQ on responsiveness grounds must be filed within five (5) calendar days after the earliest of notification of non-responsiveness or the public announcement of shortlisting. Notice of protest of the decision on shortlisting must be filed within five (5) calendar days after the public announcement of shortlisting.

Within seven (7) calendar days of the notice of protest, the protesting Submitter must file with the Director of MoDOT, with a copy to the MoDOT Project Director and other Submitter(s), a detailed statement of the grounds, facts and legal authorities, including all documents and evidentiary statements, in support of the protest. Evidentiary statements, if any, shall be submitted under penalty of perjury. The protesting Submitter shall have the burden to prove that the decision of MoDOT was arbitrary and capricious.

Failure to file a notice of protest or a detailed statement within the applicable period shall constitute an unconditional waiver of the right to protest the evaluation or qualification process and decisions thereunder, other than any protest based on facts not reasonably ascertainable as of such date.

Other Submitters may file by hand delivery or courier to the Director of MoDOT, with a copy to the MoDOT Project Director, a statement in support of or in opposition to the protest. Such statement must be filed within seven (7) calendar days after the protesting Submitter files its detailed statement of protest. MoDOT will promptly forward copies of any such statements to the protesting Submitter.

Unless otherwise required by law, no evidentiary hearing or oral argument shall be provided, except, in the sole and absolute discretion of the Director of MoDOT, a hearing or argument may be permitted if necessary, for protection of the public interest or an expressed, legally recognized interest of a Submitter or MoDOT. The Director of MoDOT or his designee will issue a written decision regarding the protest within thirty (30) calendar days after MoDOT receives the detailed statement of protest or any allowed (discretionary) evidentiary hearing or oral argument. Such decision shall be final and conclusive. The Director of MoDOT or his designee will deliver the written decision to the protesting Submitter and copies to the other Submitters.

If a notice of protest regarding responsiveness is filed prior to release of the draft RFP, MoDOT may proceed with issuance of the draft RFP before the protest is withdrawn or decided, unless the Director of MoDOT or his designee determines, in his or her sole discretion, that it is in the public interest to postpone issuance of the draft RFP. Such a determination shall be in writing and shall state the facts on which it is based.

If the Director of MoDOT or his designee concludes that the Submitter filing the protest has established a basis for protest, the Director or his designee will determine what remedial steps, if any, are necessary or appropriate to address the issues raised in the protest. Such steps may include, without limitation, withdrawing or revising the decisions, issuing a new request for qualifications or taking other appropriate actions.

## **7.1 Costs and Damages**

All costs of a protest shall be the responsibility of the protestor and undertaken at the protestor's expense. In addition, if the protest is denied, the Submitter filing the protest may be liable for MoDOT's costs reasonably incurred resulting from the protest. MoDOT shall not be liable for damages to the Submitter filing the protest nor to any participant in the protest, on any basis, express or implied.